

FREQUENTLY ASKED QUESTIONS

If you have a CM/ECF question and can't find it here,
feel free to contact the help desk.

314-244-2400

www.ca8.uscourts.gov

Updated 10/07/2010

Registration for CM/ECF and Overview of Appellate CM/ECF.

1. How do I register to be a filer? A CM/ECF password and login are required to file documents in CM/ECF. All CM/ECF registration is handled by the PACER Service Center. In order to register, go to: [Appellate CM/ECF Filer Registration](#). The Pacer Service Center can be reached at 800-676-6856.

2. Do I have to register if I have a PACER account and a CM/ECF account at another court? Yes. Your CM/ECF account is an authorization to file in a specific court, and it is separate from your nation-wide PACER account. At this time, you must complete a separate CM/ECF registration for every court where you intend to be a filer.

3. Is CM/ECF mandatory in the Eighth Circuit? Yes. Use of the CM/ECF system for filing is mandatory for attorney filers. It is voluntary for non-attorney filers.

4. Must I register before I can file through CM/ECF? Yes. You cannot file through CM/ECF until you register and the court approves you as a filer.

5. How do I get an exemption? Exemptions for attorney filers will be granted for good cause. The court expects to grant few exemptions. If you believe you cannot participate as a CM/ECF filer, please complete the exemption form and submit it to the clerk for review. You can find the exemption form here: [Exemption Form](#).

6. How long does it take to register for CM/ECF? CM/ECF registration will usually be completed in a few hours. In exceptional situations it may take a day. When your registration is complete, you will receive an email from the PACER Service Center confirming your registration. If you have an emergency and need to file immediately, contact the clerk's office at 314-244-2400 for assistance and directions.

7. What equipment and software do I need to file in CM/ECF? You need a PC or a Mac, a good internet connection, a browser (Internet Explorer 6 or Mozilla Firefox), Adobe Writer (not Adobe Reader), and Java Version 6

8. Are there any special training or bar membership requirements in order to register and file in CM/ECF? No. You do not have to be a member of the Eighth Circuit's bar in order to register or file a document in a case. There are no training requirements, but the court strongly recommends that users review the CM/ECF Electronic Learning Modules available on our website www.ca8.uscourts.gov.

9. Is there any charge to register or use CM/ECF? No. There is no charge to register or to make a CM/ECF filing. Please note that when you access documents through your PACER account, you are subject to the \$.08 per page charge. As in the district court and bankruptcy

systems, filers and parties in the case get one "free look" at all filings when they view them from the Notice of Docket Activity, and we recommend that you print or download the documents at that time.

10. When is CM/CF system available? The system is always available (except for routine or emergency maintenance), and you should be able to file anytime. Routine maintenance is done overnight between the hours of 6:00 a.m. and 7:00 a.m. Central Time. Filings completed before midnight Central Time are entered on the docket that day. Please note that filings received on Saturday, Sunday or a federal holiday are considered filed on the next business day. If you experience difficulties, please contact the clerk's office during normal business hours at 314-244-2400.

11. What help is available for CM/ECF? The court has worked with the Administrative Office of the U.S. Courts to develop a series of online electronic training modules for the appellate version of CM/ECF. The modules include an introduction to CM/ECF, information on PACER reports, and specific instructions on how to file an appearance, a motion and a response/reply. The court developed the modules for these particular filings because they are among the most-frequently made filings and because the skills needed to make these filings readily translate to other types of documents. The Training Modules are available from the "Training Modules for CM/ECF Electronic Filing" link on the court's website - www.ca8.uscourts.gov.

You can also contact the clerk's office of assistance with filing. If you having difficulty registering for CM/ECF or have questions about your PACER or CM/ECF accounts, you should contact the PACER Service Center at 800-676-6856. If you need to modify or update either your PACER or CM/ECF accounts, you can do so at the PACER website - <http://www.pacer.gov>.

The PACER Service Center maintains extensive lists of FAQs for both PACER and CM/ECF. You can access them at the PACER website.

Filing and Service Using the Appellate Version of CM/ECF.

1. What documents can be filed using CM/ECF? You can file nearly all pleadings and correspondence through CM/ECF. See [Eighth Circuit Rule 25A](#) for a list of documents which can be filed through CM/ECF. Please note that the court added briefs to the list of documents which attorneys must file electronically when the court amended its rules on October 1, 2010. Please see [Eighth Circuit Rule 28A](#) for more information about filing briefs electronically.

2. What documents can't be filed? Documents which cannot be filed are also listed in Eighth Circuit Rule 25A. Basically, you cannot open a new case on CM/ECF, and you must file records on appeal in paper formats. You can access the full list of documents which cannot be filed through CM/ECF here: [Eighth Circuit Local Rules](#).

3. Is a list of Filing Events available? Yes. You can access it here: [Attorney Events List](#).

4. Can I still submit a letter request for an extension of time to file a brief or is a formal motion required? You can still submit a letter request for an extension of time. The letter must state the current due date, grounds for the extension and the new proposed due date. Please note, though, that while you may submit your request in the form of a letter, when you docket and file the request on the Event Selection page of CM/ECF Attorney Docketing, you must select the "Motion" Category of Event and the "Motion Filed" event. Please do not select "Correspondence to Court" as your Category of Event; that category is best used for routine or miscellaneous business correspondence with the clerk's office.

5. Do I need to send the clerk a paper copy of a document filed through CM/ECF? No.

6. Can I view pro se filings through CM/ECF and PACER? Yes. The clerk will scan all pro se filings, including any pro se briefs received in paper format, and will attach these pro se documents to the relevant docket entry. A Notice of Docket Activity will be sent when the clerk's office files the document, and you may view it by clicking on the link in the Notice of Docket Activity. Documents are identified on the court's docket sheets by a page icon to the left of the docket entry number. All scanned pro se documents will be accessible through PACER. Please note that the court uses CM/ECF to serve pro se documents on counsel of record in the case. See [Eighth Circuit Rule 25B](#).

7. What is a Notice of Docket Activity? A Notice of Docket Activity is an email notice which is generated when a docket transaction requires that notice be sent to attorneys, case participants or court personnel. Notices of Docket Activity can be generated when a party or attorney files a document with the clerk's office or when the court enters an order or takes other public actions in a case. If you are a CM/ECF participant, your receipt of the Notice of Docket Activity is service of that document or order, and registration for the CM/ECF system constitutes consent to receive service through the Notice of Docket Activity. Generally, a Notice of Docket Activity contains a hyperlink back to the court's docket sheet and the document in question. When parties receive a Notice of Docket Activity they can click on the document and get their one "free look" at the document. In the district court and bankruptcy court systems the Notice of Docket Activity is often called the Notice of Electronic Filing.

8. Why did I receive a second Notice of Docket Activity for my filing? The clerk's office reviews all attorney filings as part of its quality control procedures. In the event the deputy clerk finds an error or needs to modify the docket text for the event and the filing, the deputy will make the changes and send a new Notice of Docket Activity to the case participants. If you

receive a second Notice of Docket Activity for a filing and cannot determine the reason for the second Notice, please call the clerk's office at 314-244-2400. **9. Does my document need a certificate of service?** Yes. A Certificate of Service is required for all filings. Make the Certificate of Service the last page of the document. Sample Certificates of Service are available here: [All Are CM/ECF Participants](#) or [Some Are CM/ECF Participants](#).

10. The party or attorney on the other side isn't participating in CM/ECF. How do I serve them? When the opposing party or attorney is not a participant, you must serve them in traditional fashion. See Federal Rule of Appellate Procedure 25. You can determine who is not participating in CM/ECF by looking at the Notice of Docket Activity sent to you. If you have questions, please review the docket sheet in PACER, which contains all address information for parties and attorneys, or contact the clerk's office for assistance.

11. Is "s/" acceptable for electronic filings? Yes. Please list the names of all signatories by means of an "s/" typed name for each signatory.

12. Can I get a daily summary of all my notices or do I have to get a Notice of Docket Activity for every action or entry? PACER gives you the options of a daily summary or individual event noticing. The default is individual event noticing, but you can change that by updating your account information at the Pacer Service Center under "Filer Account Update." If you prefer a daily summary, select "Daily Summary" instead of "Each Transaction" on the "Notice of Docket Activity Frequency" option.

13. I represent a party that wants to be added to an appeal, such as amicus. How do I do that? The court has created a special event to permit interested parties who are not case participants to file motions to intervene or to file an amicus brief. In CM/ECF docketing, select "Motion" from the Event Category and then "Interested party/Amicus/intervenor motion filed." Select "Docket Event" and then pick a "Category" and a "Description" from the "Relief" page. After identifying the party you represent, you are sent to a screen where you can attach your motion to participate. The court will review your motion and issue a ruling. If your motion is granted, you will be added as an amicus or intervenor and have filing rights in the appeal. You may then submit the brief, petition for rehearing or other document you wish to file.

14. I'm not shown as an attorney in the case, but I want to file on behalf of one of the parties in the appeal. How can I do that? The clerk's office relies on the Notice of Appeal, docketing materials and district court docket sheet when it opens a new appeal and sets up the party and attorney information. In some instances that information is not complete or changes after the case is docketed, and you may need to be added as an attorney in the case. Until you are added as an attorney in the case, you will not receive Notices of Docket Activity and you cannot file any document other than an Appearance Form. If you submit an Appearance Form (see No. 15, below), the clerk's office will complete the steps required to enter you as an attorney and authorized filer in the appeal. When this work is completed, you will receive a Notice of Docket Activity confirming your entry. At that point, you can file pleadings through CM/ECF. Remember, you must always register with the PACER Service Center as an appellate filer and receive a CM/ECF login and password before you can use CM/ECF.

15. I want to enter my appearance. How do I do that? You must be an authorized appellate CM/ECF user with a valid Eighth Circuit CM/ECF login and password to file an Appearance Form or any other pleading. Authorized users may complete the Appearance Form found at the "Forms" section of the court's website. Save the form to your computer and attach it in PDF format to the "Appearance Filed" event in the court's CM/ECF system. Additional information on filing an appearance is contained in the online Training Modules for CM/ECF Electronic

Filing on the court's website. Select the Electronic Learning Module on "Filing an Appearance" for step-by-step instructions on filing an appearance.

16. I want to file a motion to seal a document or a case. How do I do that? Currently, you must file your motion to seal and your proposed sealed materials in paper format. The clerk's office will process the motion and create the docket entries associated with the filing. Please state in the text of the motion whether the motion to seal must be sealed.

17. I made a mistake, such as filing in the wrong case or submitting the wrong document. What should I do? You cannot delete events or documents. If you have made an error (filed in the wrong case, submitted the wrong version of a document, etc.), call the clerk's office. Our office will delete the document and change the docket text to reflect that the event has been modified. You may then re-file the document using the regular CM/ECF filing procedures.

18. I can't access a document in a Social Security case or in a petition for review in an immigration matter. Is there a problem? No. Remote electronic access to documents in Social Security cases and immigration matters is limited to the attorneys or parties in the case in order to protect the privacy of the individuals involved in those cases. You may inspect these files in person in the clerk's office. If you are a party or attorney in the case, please note that you can access documents in these cases only through use of your CM/ECF Filer ID and Password and that you cannot access them through your PACER ID and Password.

19. Why does the court still require paper briefs and records on appeal? Eighth Circuit judges are active users of electronic briefs and many of them use an e-reader to read some or all of the briefs in the cases assigned to them. The e-briefs and e-versions of the addendum are especially useful in the process of preparing for an oral argument session. However, law clerks and staff attorneys are not provided with this equipment and the kind of detailed reading of the brief and record required to prepare a thorough opinion in a case is still best done from printed copies. Since printed copies are needed for every case assigned to chambers, the court has decided to continue to require paper copies of the brief and appendices. The court is constantly reviewing its use of electronic versions of these documents, and the court anticipates making some changes within the next 18 months to take better advantage of the electronic record on appeal.

20. Can I email a brief if I am exempt from CM/ECF or am a pro se party not participating as a filer in CM/ECF? Parties who have been granted an exemption from participating as a filer in CM/ECF and pro se parties who have not registered for CM/ECF may email their briefs electronically to the following designated email address: briefs@ck8.uscourts.gov. The clerk's office will review the brief for compliance. The clerk's office will thereafter file an accepted brief and notify the parties that the brief has been filed.